

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-CR-173

BRIAN D. WICKERSHAM,

Defendant.

ORDER GRANTING MOTION TO COMPEL

Defendant Brian D. Wickersham was charged with Enticing a Person Under the Age of 18 to Engage in Unlawful Sexual Activity, Transporting an Individual Under the Age of 18 with Intent to Engage in Criminal Sexual Activity, and Commission of a Felony Sex Offense after a Previous Conviction for First-Degree Sexual Assault of a Child in violation of 18 U.S.C. §§2422(b), 2423(a), 2260A, and 3559(e). The case is scheduled for trial to commence on November 5, 2018, with a final pre-trial set for October 23, 2018. Before the Court is the defendant's motion to compel discovery. More specifically, defendant requests that the data analysis and reports from the two cell phones seized as evidence in the above matter be produced. Counsel believes it may contain exculpatory evidence, but in any event is evidence that the government claims is relevant to the charges the defendant is facing. After repeated requests from defendant, the government has been unable to produce the evidence because, according to the government, the Brown County Sheriff's Department, which is the investigating agency, has failed to provide copies to the government.

Based upon the foregoing, **THE BROWN COUNTY SHERIFF'S DEPARTMENT IS ORDERED TO PRODUCE**, on or before 4:30 p.m. on October 22, 2018, all cell phone forensic analysis, data, and reports, as well as any other discovery in this matter, to defense counsel. **FAILURE TO DO SO MAY RESULT IN BARRING SUCH EVIDENCE IN THE GOVERNMENT'S CASE IN CHIEF, AS WELL AS DISMISSAL OF THE CHARGES AGAINST THE DEFENDANT.**

Dated this 17th day of October, 2018.

BY THE COURT:

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court